

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The Examiner rejects Claims 7, 10 – 14, 16, 18 and 21 under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Claims are rejected because “the body cavity,” “the human body” and “the body surface” lack antecedent basis and the phrase “to communicated date” in claim 19 is an error.

In response, the claims have been amended to change “the body cavity,” “the human body” and “the body surface” to --a body cavity--, --a human body-- and --a body surface--, respectively and claim 19 has been amended to change “to communicated date” to --to communicate data--.

Accordingly, it is respectfully requested that the rejection of claims 7, 10 – 14, 16, 18 and 21 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 7, 10-14, 16 and 18-21 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2003/0085994 to Fujita et al., (hereinafter “Fujita”) or in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Fujita in view of U.S. Patent Application Publication No. 2002/0173718 to Frisch (hereinafter “Frisch”).

In response, the independent claims have been amended to clarify their distinguishing features. The amendments to the independent claims are fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to the independent claims.

The present application discloses a circuit as shown for example in FIG. 8. In particular, the circuit has an RF circuit (e.g., 94), buffers (e.g., 93a, 93b) and a reception and transmission switching circuit (e.g., 92), and the reception buffer (e.g., 93a) and the transmission buffer (e.g., 93b) are switched in accordance with the transmitting/receiving state. Such a circuit is not disclosed or suggested in the Fujita and Frisch references. Therefore, the independent claims have been amended to clarify the configuration of the buffers and the reception and transmission switching circuit.

Applicants further submit that the features now expressly recited in the independent claims results in advantages not disclosed or even contemplated by the prior art references of record. Namely, when synchronizing timing of reception and transmission with the in-body unit with timing of switching reception/transmission communication direction, switching between a connection of the antenna with the reception buffer and a connection of the antenna with the transmission buffer is performed, so that smooth transmission and reception of signals are assured.

With regard to the rejection of claims 7, 10-14, 16, 18-21 under 35 U.S.C. § 102(a), independent claims 7, 10, 12, 13, 14, 19, 20 and 21 having the features discussed above, are nowhere disclosed in Fujita. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 7, 10, 12, 13, 14, 19, 20 and 21 are not anticipated by Fujita. Accordingly, independent claims 7, 10, 12, 13, 14, 19, 20 and 21 patentably distinguish over Fujita and are allowable. Claims 11, 16, 18 being dependent upon claims 7, 10 and 14, are thus at least allowable therewith. Consequently, the

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

Examiner is respectfully requested to withdraw the rejection of claims 7, 10-14, 16, 18-21 under 35 U.S.C. § 102(a).

With regard to the rejection of claims 7, 10-14, 16, 18-21 under 35 U.S.C. § 103(a), Independent claims 7, 10, 12, 13, 14, 19, 20 and 21, are not rendered obvious by the cited references because neither the Fujita patent application nor the Frisch patent application, whether taken alone or in combination, teach or suggest the features discussed above and recited in independent claims 7, 10, 12, 13, 14, 19, 20 and 21. Accordingly, claims 7, 10, 12, 13, 14, 19, 20 and 21 patentably distinguish over the prior art and are allowable. Claims 11, 16, 18, being dependent upon claims, 7, 10 and 14, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 7, 10-14, 16, 18-21 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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